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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/868,387	09/10/2002	Harri Vatanen	2132-47PCON	8959
7590 04/12/2006				
Lance J Lieberman Cohen Pontani Lieberman & Pavane Suite 1210 551 Fifth Avenue New York, NY 10176		EXAMINER HA, LEYNNA A		
		ART UNIT PAPER NUMBER		
		2135		

DATE MAILED: 04/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/868,387	Applicant(s) VATANEN, HARRI	
	Examiner LEYNNA T. HA	Art Unit 2135	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 March 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: _____.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
 13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: claims 1-17 remains rejected by Nishioka, et al.
Claim 1:

Nishioka teaches the user apparatus 10 is operated by the user who intends to purchase the desired products where the user possesses a smart card 20 and is inserted into a slot of the user apparatus (col.9, lines 4-20 and FIG.1) Applicant claims the computing a first hash code for the material to be signed, the material to be signed including the form, an identifier of the form, shared information, and/or essential information and transferring the material to be signed and the first hash code to the mobile station. The claimed invention merely claims a method comprising the steps wherein the computing of the first hash code limitation fails to limit what is doing the computing because the following step claims the material to be signed and first hash code is being transferred to the mobile station after the first hash code for the material to be signed was computed.

According to the claimed invention, Nishioka does compute the first hash code for the material to be signed by the user apparatus (col.21, line 58-col.22, line 2) and then supplies (transfers) the material to be signed and the first hash code to the mobile station in the form of the smart card (col.22, lines 3-5). The smart card is the claimed mobile station where it is a portable medium where the user has the mobility convenience. A mobile station can be a smart card, laptop or PDA where any of these can communicate by being connected to another system to receive data and any of these can also communicate wirelessly. Thus, the mobile station can broadly be any station that is portable or where a user can carry it around. Therefore, the claimed mobile station fails to claim the mobile station receiving or transmitting data wirelessly through wireless signals or that is remotely from the system where the mobile station cannot be connected to any other systems that is sending the computed first hash code and the material to be signed.

Claim 13:

Applicant's payment machine is the user apparatus 10 or the retail store apparatus 30 because applicant did not limit to one said payment machine and both are payment machines performing payment functions that includes means connected for generation of the material to be signed, said material comprising a form, an identifier of the form, shared information, and/or essential information added to it and means connected to the payment machine for the transfer of the material into the mobile station (col.21, line 58-col.22, line 2). Further, the payment machine comprises means for computing a first hash code from the material to be signed and means for transfer of the first hash code into the mobile station (col.22, lines 3-5) and also a payment machine comprises means for verifying the authenticity of the signed material (col.22, lines 30-60).



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PRIMARY EXAMINER